[*Note.*—An asterisk (*) at the commencement of a speech indicates revision by the Member.]

III.—PRIVILEGE MOTION *RE* AMENDMENT TO THE CONSTITUTION—NON-DISCLOSURE TO THE HOUSE OF COMMUNICATION FROM THE CHIEF MINISTER TO THE SECRETARY, A.I.C.C.

MR. SPEAKER :—" I hope the House would remember that the hon. Member Sri M. Kalyanasundram had given notice of a privilege motion. I read certain principles that should be followed in this case. Some hon. Members wanted that these principles may be translated and copies supplied to them. The translations have been received and that is being distributed only to-day. Therefore, I will take up that question to-morrow.

" In the meantime, we have also got some printed copies of a ' Note on the Privileges of the House of Commons '. I think we have got about 100 copies and they will also be available for hon. Members and they may take it also. I will take up the Privilege Motion of Sri Kalyanasundaram to-morrow."

IV.—ANNOUNCEMENT BY THE HON. SPEAKER.

MESSAGE FROM THE GOVERNOR.

12 noon. MR. SPEAKER :—" I have to announce to the House that I have received the following message from the Governor of Madras :—

' In pursuance of Article 207, Clause (1) read with Article 199, Clause (1), Sub-clause (a) of the Constitution of India, I, Sri Prakasa, Governor of Madras, hereby give my recommendation to the introduction in the Madras Legislative Assembly of the Madras Entertainments Tax (Amendment) Bill, 1954. ' "

V.—GOVERNMENT BILLS.

(1) THE MADRAS PRESERVATION OF PRIVATE FORESTS (THIRD AMENDMENT) BILL, 1954.

* THE HON. SRI M. A. MANICKAVELU NAICKER :—" Sir, I beg to introduce the Madras Preservation of Private Forests (Third Amendment) Bill[a], 1954 and move—

' *That the Bill be taken into consideration at once.*'

I feel a sense of guilt in coming before the House again for asking for an extension of life of this Act. But when I tell the House the circumstances in which I do so and the reasons for which I do so, I hope I shall be acquitted. (Laughter.) When I came before the House last time for the same purpose, it was thought that the comprehensive Bill that I promised would be ready and passed into law by now. But certain difficulties arose and they had to be gone into. One difficulty was the inconsistency of certain provisions of the proposed Bill with the provisions of

[a] Published in the *Fort St. George Gazette*, dated 25th November 1954.

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the Indian Constitution. They had to be examined and certain amendments were suggested by the Advocate-General in relation thereto. Then the Chief Conservator of Forests made certain suggestions and it was thought that they would be useful for a better enforcement of the law. One of them was a provision to make the law more stringent in order to preserve the private forests in a more effective form. The Drafting Department is examining all these and is on the drafting work. Drafting is practically over now. Very soon, the Bill will be ready and introduced in this House. But, as the Act had already lapsed, an Ordinance was issued giving a fresh lease of life to it. This Bill seeks to repeal that Ordinance and to extend the life of the Act till some time in December 1955, so that, meanwhile a comprehensive Bill might be introduced in the House. I hope the House will appreciate the circumstances in which the Bill is brought in and pass it."

MR. SPEAKER :—" Motion moved—

' That the Madras Preservation of Private Forests (Third Amendment) Bill, 1954, be taken into consideration at once.' "

* SRI K. C. GOPALAN UNNI :—" Sir, I am glad that the Hon. the Minister in charge of the Bill before the House feels at least guilty that he has not been able to bring in the comprehensive Bill he promised early this year at one of the Select Committee meetings. I would like to point out that in this matter the Government have been as indecisive as they have been in respect of other pieces of legislation concerning the welfare of our State. In this particular case, the question has been before the Government ever since 1946 and the history of legislation on this subject will show that it has always been one of Ordinances and Acts. Let us study the history of the Act from the year 1946 onwards, and see how many Ordinances and Acts have been passed so far. On the 26th of October 1946, the first Madras Preservation of Private Forests Act was passed by the Legislature and the life of this Act was limited to two years. In 1948, a Government Order was passed extending the life of the Act, but that order was quashed by the High Court and the Governor had to issue an Ordinance, called the Madras Removal of Doubts Ordinance, 1949.

(The Deputy Speaker in the Chair.)

" This M.P.P.F. Act was also included in the Ordinance. Again another Ordinance—Ordinance VIII of 1949—was issued giving retrospective effect to the life of the Act from 3rd December 1948. Then again, Act XXVII of 1949 was passed on the 14th December 1949, extending the life of the Act to 2nd March 1950. So, every year there has been an Ordinance or an Act and in every case, the object of the Government was not to have any comprehensive legislation on the subject. During all these years, on the other hand, forests in Malabar have gone on being denuded and no step whatever has been taken by the Government, except in word, for preserving this precious national and natural wealth,

[Sri K. C. Gopalan Unni] [13th December 1954

Recently, the problem reached a climax when the Collector of Malabar issued an order warning certain big timber merchants against cutting trees in the forests and refusing to grant them licences. I know the Collector was somewhat hasty in taking this step in that he did not take into consideration the fate of thousands of workers engaged in the trade. But his intention was certainly honest and matters came to a head when three or four big merchants mobilised some four to five thousand workers to agitate against the Collector's orders. Now the Government have given the necessary licences to these people to cut trees. The question of preservation of private forests has not agitated the minds of the British rulers also. If we peruse the records of the Board of Revenue, we will find that ever since 1800, reports after reports have been submitted by the Collectors of Malabar in this matter, and we will also see that the idea of the rulers was not to preserve the private forests but to preserve the interests of private land-holders. Their interests were paramount to the British Government. I am afraid even to the present Government, their interests alone are paramount. This is evident from the fact that they are still in doubt as to what is to be done in the matter. I hope the Government will not go on having such temporary measures only, allowing the forest officers in Malabar who are in charge of private forests to do what they please. Sir, recently I visited a forest area in Malabar near Perinthalmanna called Amminillkad. I found the whole forest completely denuded.

12-10 p.m. "I went to that place and investigated. On the day previous to the day I went the Assistant Conservator of Forests who is in charge of those forests along with the Ranger and foresters had come and inspected. The very night a lorry-load of timber had been removed from that place to Feroke. On the day I went I saw that so many pieces of timber had already been removed. The people there did not take proper action at the proper moment. I went to the Tahsildar and made a complaint. He sent a Revenue Inspector. Both myself and the Revenue Inspector went to the place and seized timber. A case has now been registered against some people. In spite of repeated requests to Government, Government have not taken proper action against those who cut trees indiscriminately. I request Government to view this matter seriously, take proper action and see to it that the forests in Malabar whether in the hands of private janmies or timber merchants who have joined the Congress movement now are properly protected. Let the Government see to it that these Congressmen, who have joined the movement only now, are not allowed to treat the national wealth, I mean our forests, as their own property and destroy them as they like."

* SRI R. KRISHNAN :—"മിസ്റ്റർ ഡെപ്യൂട്ടി സ്പീക്കർ, സർ, ഈ നിയമം വാസ്തവത്തിൽ വനങ്ങളെ സംരക്ഷിക്കുന്നതിനു ആവശ്യമാണെങ്കിലും ഇതിലുദ്ദേശിച്ചിരിക്കുന്ന നടപടിക്രമമല്ല അനുഭവത്തിൽ കണ്ടുവരുന്നതു്. വനസംരക്ഷണനിയമത്തെ പൂർണ്ണോളം വകവെയ്ക്കാതെ കാടുകൾ വെട്ടി നശിപ്പിച്ചുവരുന്നുണ്ടു്. അഞ്ചടിചുററളവിൽ

13th December 1954] [Sri R. Krishnan]

കൂടുതലുള്ള മരങ്ങളേ മുറിക്കാവൂ എന്നു നിയമത്തിലുണ്ടെങ്കിലും പല സ്ഥലങ്ങളിലും ഒന്നോ രണ്ടോ കൊല്ലം മാത്രം വളർച്ചയുള്ള മരങ്ങൾ വെട്ടിയിറക്കുന്നതു കാണാം. ഇങ്ങനെ വനങ്ങൾ കണ്ടമാനം വെട്ടി നശിപ്പിക്കുന്നതിന്നു ഉദ്യോഗസ്ഥന്മാർ അരുനില്ക്കുന്നുണ്ടെന്നുള്ളതു് വളരെ വ്യക്തമാണു്. ചുരുക്കത്തിൽ ഈ നിയമത്തിന്റെ ഉദ്ദേശം വളരെ നല്ലതാണെങ്കിലും അതു് ഈ ബില്ലുകൊണ്ടു നിറവേറുന്നില്ല.

"ചില സ്ഥലങ്ങളിൽ അനേകകാലമായി കൃഷിചെയ്തുവരുന്ന ആളുകളെ ആ സ്ഥലങ്ങളെല്ലാം വനത്തിൽപെട്ടതാണെന്നും പറഞ്ഞു ഒഴിപ്പിക്കുകയും പ്രോസിക്യൂട്ട് ചെയ്യുകയും ചെയ്യുന്നുണ്ട്. മലബാറിൽ അത്തരത്തിലുള്ള നിരവധി കേസ്സുകൾ ഇന്നു നിലവിലുണ്ടു്. ചില സ്ഥലങ്ങളിൽ ജന്മികളും കൃഷിക്കാരുടെ പേരിൽ കേസ്സുകൾ കൊടുത്തു വിഷമിപ്പിക്കുന്നുണ്ടു്. എന്റെ താലൂക്കായ പാലക്കാടു താലൂക്കിൽതന്നെ കണ്ണമ്പ്ര എന്ന സ്ഥലത്തു 20 കൃഷിക്കാരുടെ പേരിൽ ഒരു ജന്മി ക്രിമിനൽ കേസ്സു് കൊടുത്തിരുന്നതു് തള്ളിപ്പോയെങ്കിലും സിവിൽ കേസ്സ് തുടർന്നു നടത്തിക്കൊണ്ടിരിക്കയാണു്. ഇങ്ങനെ ഈ നിയമത്തെ ദുരുപയോഗപ്പെടുത്തുന്നതിനേയും സാധുക്കളായ കൃഷിക്കാരെ ദ്രോഹിക്കുന്നതിന്നുള്ള ഒരായുധമാക്കിത്തീർക്കുന്നതിനേയും തടയാനുള്ള ചില വ്യക്തമായ വ്യവസ്ഥകൾ ആവശ്യമാണു്. അല്ലാതെ ഈ നിയമം ഇങ്ങനെ നീട്ടിക്കൊണ്ടുപോയതുകൊണ്ടുമാത്രം വനങ്ങൾ സംരക്ഷിക്കപ്പെടാൻ പോകുന്നില്ല. നൂറേക്കറിൽ കൂടുതലുള്ള സകല സ്വകാര്യ വനങ്ങളും റിസർവ്വ് വനങ്ങളായി ഗവർമ്മേണ്ടു് ഏറ്റെടുക്കുന്നതിനുള്ള ഒരു നിയമം കഴിയുന്നതും വേഗത്തിൽ നടപ്പിൽവരുത്തേണ്ടതു് അത്യാവശ്യമാണു്. അതുകൂടി ഉടനെ ഗവർമ്മേണ്ടു് ചെയ്യണമെന്നു ആവശ്യപ്പെട്ടുകൊണ്ടു എന്റെ പ്രസംഗം അവസാനിപ്പിച്ചുകൊള്ളുന്നു."

* SRI M. PALANIYANDI :—" கனம் உதவி சபாநாயகர் அவர்களே, 12-14 p.m
தனிப்பட்டோர் காடுகள் பாதுகாப்பு மசோதா சம்பந்தமாக நான் பேசும் போது ஒன்றிரண்டு விஷயங்களை சர்க்காருடைய கவனத்திற்குக் கொண்டுவர விரும்புகிறேன். இந்த மசோதாவை 1946-லிருந்து ஆண்டு ஆண்டு தோறும் சர்க்கார் ஒத்திவைத்துக்கொண்டே வருகிறார்கள். முதலில் அவசரச்சட்டம் கொண்டுவருவது, பிறகு ஒரு வருஷத்திற்கு ஒத்தி வைப்பது என்ற முறையில்தான் இதுவரையில் நடந்துவந்திருக்கிறது. இது விஷயமாக விரிவானதொரு சட்டத்தைக் கொண்டுவரப் போகிறோமென்று சர்க்கார் எந்த சமயத்திலும் சொல்லிக்கொண்டும் அதற்கான காரியத்தை ஆற்றிக்கொண்டிருக்கிறோம் என்று சொல்லுகிறார்களேயொழிய, சீக்கிரமாக நிறைவேற்றுவதாகத் தெரியவில்லை. காடுகளை பிரிட்டிஷ் ஏகாதிபத்திய சர்க்கார் எந்த முறையில் நிர்வகித்து வந்தார்களோ அதே முறையில்தான் இன்னமும் நிர்வகித்துவரப்படுகின்றன. காடுகள் நிர்வாகம் சம்பந்தமாக நல்லதொரு சட்டம் இன்னமும் கொண்டுவரப்படவில்லை.

" தனிப்பட்டோருக்குச் சொந்தமாக இருக்கும் காடுகளில் மரங்களை வெட்டுவதற்கு லைசென்ஸ் பெறவேண்டுமென்ற நிலை இருந்துவருகிறது. நல்ல மரங்களும் வெட்டப்படுகின்றன, பட்டுப்போன மரங்களும் வெட்டப்படுகின்றன. இதற்கென நல்லதொரு சட்டம் இயற்றப்பட்டு, தனிப்பட்டோர் காடுகளையும் அரசாங்கம் எடுத்து நடத்தக்கூடிய நிலைமை வரவேண்டும். நஷ்ட ஈடு கொடுக்கவேண்டிய நிலைமை வரும் என்று சொல்லப்படலாம். நான் சொல்கிறேன் : நஷ்ட ஈடு கொடுக்கவேண்டாம். ஜமீன்தார் ஒருவர் இறந்துவிட்டால் பிறகு அவருடைய நிலங்களெல்லாம் எப்படி கலெக்டர் கையில் கிடைக்கின்றனவோ, அதேபோல் தனிப்பட்டவர்களுக்குச் சொந்தமான காடுகளையும் சர்க்கார் எடுத்துக்கொண்டு, லாபத்திலே ஒரு பங்கை அவர்களுக்குக் கொடுப்பதில் தடங்கல் இருக்கமுடியாது. தனிப்பட்டவரின்கீழ் காடுகள் இருப்பதன் காரணமாக காடுகள் சரியாக நிர்வகிக்கப்படுவதில்லை. லஞ்சம் தாண்டவமாடிக்கொண்டிருக்கிறது.

" ஒரு பிரதேசத்தில் சாதாரண முட்செடிகள் இருந்தாலும்கூட அவைகளைக் 'காடுகள்' என்று காட்டிலாகா அதிகாரிகள் நிர்ணயித்து விடுகிறார்கள். திருச்சிராப்பள்ளி ஜில்லாவில் கொள்ளிடங்கரையில் சிறு சிறு மரங்கள் இருக்கின்றன. அவைகளைக்கூட காடுகள் என்று நிர்ணயித்து பல தொந்தரவுகளைக் கொடுத்துவருகிறார்கள். இம்மாதிரி தொந்தரவுகளைக் தவிர்ப்பதற்கு சர்க்கார் நல்லதொரு சட்டம் இயற்றவேண்டும்.

[Sri M. Palaniyandi] [13th December 1954

"மலபார் ஜில்லாவிலுள்ள காடுகள் நல்ல முறையில் நிர்வகிக்கப்படவில்லை. அங்கு பெரிய பெரிய தொழில்கள் நடைபெறுகின்றன. தனிப்பட்ட முதலாளிகளும் அதிகாரிகளும் அங்குள்ள காடுகள் பராமரிப்பு சம்பந்தமாக காரியங்களைச் செவ்வனே செய்துவராமலிருப்பதை சர்க்கார் மாற்றியமைக்கவேண்டும். மலபாரிலுள்ள அரசாங்க அதிகாரிகள், சென்னை சட்டசபை அங்கத்தினர்கள், பார்லிமெண்ட் அங்கத்தினர்கள் ஆகியவர்களெல்லோரையும் கொண்ட நல்லதொரு கமிட்டியை அமைத்து அங்குள்ள காடுகள் நிர்வாகம் சம்பந்தமான காரியங்கள் என்னவென்பதை நிர்ணயம் செய்யவேண்டும். ஆகவே, அரசாங்கம் காடுகள், பராமரிப்பு சம்பந்தமாக விரிவான நல்லதொரு சட்டத்தைக் கூடிய சீக்கிரம் கொண்டு வரவேண்டுமென்று கேட்டுக்கொண்டு என்னுடைய வார்த்தையை முடித்துக் கொள்கிறேன்."

12-16 p.m. *SRI C. H. KANARAN :—"മിസ്റ്റർ ഡെപ്യൂട്ടി സ്പീക്കർ, സർ, വനസംരക്ഷണനിയമത്തിന്റെ കാലാവധി അടുത്ത ഡിസെമ്പർവരെ നീട്ടണമെന്നു ഗവർമ്മേണ്ട് കൊണ്ടുവന്നിട്ടുള്ള ഈ ബില്ലിന്നു കാലാവധി ജൂൺവരെ മാത്രമേ നീട്ടിക്കൊടുക്കാവൂ എന്നൊരു ഭേദഗതിയാണ് ഞാൻ കൊടുത്തിട്ടുള്ളത്. സ്വകാര്യവനങ്ങളെ സംബന്ധിച്ചു ഗവർമ്മേണ്ട് ഇതേവരെ കാര്യമായി ചിന്തിച്ചിട്ടില്ല. വനസംരക്ഷണനിയമം എങ്ങിനെയിരുന്നാലും ശരി, അതു നടപ്പിൻവരുത്തുന്ന രീതി പരിശോധിച്ചാൽ വനങ്ങളെ സംരക്ഷിക്കുക എന്നൊന്ന് ഇതേവരെ ഉണ്ടായിട്ടില്ലെന്നു തീർത്തുപറയാം. വനസംരക്ഷണമെന്നപേരിൽ വനങ്ങളെ പലതരത്തിൽ നശിപ്പിക്കുകയാണ് ഇന്നു ചെയ്തുകൊണ്ടിരിക്കുന്നത്. മററു പ്രദേശങ്ങളിലെ സ്ഥിതി എന്താണെന്നു എനിക്കു നിശ്ചയമില്ല, എങ്കിലും മലബാറിലെ അനുഭവം അതാണ്. കോഴിക്കോട്ടു താലൂക്കിൽനിന്നും കോട്ടയം താലൂക്കിൽനിന്നും വയനാട്ടിലേക്കു പോവുകയാണെങ്കിൽ കാണാൻ സാധിക്കും ഇരുവശങ്ങളിലേയും വനങ്ങളെല്ലാം വെട്ടിത്തെളിയിച്ചു വെറും തരിശുഭൂമിയായി നിരന്നു കിടക്കുന്ന പ്രദേശങ്ങൾ. വനസംരക്ഷണനിയമമനുസരിച്ചു കുറെ മരങ്ങളെല്ലാം മുറിക്കാനനുവദിച്ചിട്ടുണ്ട്; എന്നാൽ, ആ മരങ്ങളൊന്നുമല്ല മുറിക്കുന്നത്. ലൈസൻസ് വാങ്ങിക്കൊണ്ടും വാങ്ങാതെയും ഇഷ്ടംപോലെ മരങ്ങൾ വെട്ടിയിറക്കിക്കൊണ്ടുപോകുന്നതിന്നുള്ള സൌകര്യം ഇന്നു ചിലർക്കു കിട്ടുന്നുണ്ട്. പ്രബലന്മാരായ ആളുകൾക്കു കുറച്ചു അധികാരം കിട്ടിയാൽ മതി, അവർക്കതു ഇഷ്ടംപോലെ ദുരുപയോഗപ്പെടുത്താനുള്ള ലൈസൻസായി. അതാണ് ഇന്നു മലബാറിൽ നടക്കുന്നത്. അതിനെ തടയാൻ ഗവർമ്മേണ്ടിന്നു സാധിച്ചിട്ടില്ല. ഗവർമ്മേണ്ടിന്നു അതിന്നുള്ള ശക്തിയില്ല. കാരണം സാധാരണക്കാരല്ല ഇതിലേർപ്പെട്ടിരിക്കുന്നത്. ഏററവും പ്രബലന്മാരായ ചില മുതലാളിമാരും ജന്മിമാരുമാണ് ഇങ്ങനെ വനങ്ങൾ കൊള്ളയടിച്ചുകൊണ്ടിരിക്കുന്നത്. ഗവർമ്മേണ്ടിന്റെ ഏററവും ഉയർന്ന ഉദ്യോഗസ്ഥന്മാരെപ്പോലും, എന്തിനു, മന്ത്രിമാരെപ്പോലും സ്വാധീനത്തിലാക്കാൻ പ്രാപ്തിയുള്ള കൂട്ടരാണ് അവർ. ഇക്കൂട്ടരുടെ കൊള്ള തുടർന്നു പോയാൽ മലബാറിലെ വനങ്ങൾ നാമാവശേഷമാകുമെന്നു ബോദ്ധ്യമായതിന്റെ ഫലമായിട്ടാണ് അടുത്ത കാലത്തു ഡിസ്ട്രിക്ട് കലക്ടർ മരംമുറിപ്പു തടഞ്ഞുകൊണ്ടു ഉത്തരവു പാസ്സാക്കിയത്. അതിനെത്തുടർന്നു അവിടെ ഒരു വലിയ പ്രക്ഷോഭണംതന്നെ നടന്നുകൊണ്ടിരിക്കുകയാണ്. പെട്ടെന്നു ഒരു നിയമമോ ഉത്തരവോ പാസ്സാക്കി വനങ്ങളെയെല്ലാം സംരക്ഷിച്ചുകളയാമെന്നാണ് കലക്ടർ വിച്ചാരിച്ചതെന്നു തോന്നുന്നു. അതു നടപ്പുള്ള കാര്യമല്ല. വനസംരക്ഷണത്തിന്നു വിശേഷിച്ചും മലബാറിൽ കൂടുതൽ കാര്യമായ നടപടികൾ അത്യാവശ്യമാണ്. അതിന്നു പററിയ ഒരു പുതിയ നിയമം ഉണ്ടാക്കിയേ തീരൂ. അതങ്ങു ചുമ്മാ എഴുതി ഉണ്ടാക്കിയാൽ പോരാ. ഉദ്യോഗസ്ഥന്മാരും അനുദ്യോഗസ്ഥന്മാരുമടങ്ങിയ ഒരു അന്വേഷണക്കമ്മീഷനെ നിയമിക്കണം. ആ കമ്മീഷൻ വനങ്ങളുള്ള പ്രദേശങ്ങൾ മേപ്പുസഹിതം ചുററി നടന്നു പരിശോധിച്ചു ഏതെല്ലാം വനങ്ങളാണ് സംരക്ഷിക്കേണ്ടത്, അതെങ്ങിനെയാണ് സംരക്ഷിക്കേണ്ടത് എന്നെല്ലാം സൂക്ഷ്മമായി പഠിച്ചതിന്നുശേഷം ആ കമ്മീഷന്റെ ശുപാർശയനുസരിച്ചു വേണം വനസംരക്ഷണത്തിന്നു ഒരു നിയമമുണ്ടാക്കാൻ. അല്ലാതെ വനസംരക്ഷണമെന്ന പേരിൽ വനങ്ങളെ വെട്ടി നശിപ്പിക്കാൻ അനുവദിക്കുകയല്ല വേണ്ടത്.

"വനങ്ങളിൽ പുനംകൃഷി ചെയ്യുന്ന ചില സാധുകൃഷിക്കാരുണ്ട്. വനസംരക്ഷണമെന്ന പേരിൽ അവരെ ഉപദ്രവിക്കുകയാണ് ഇന്നത്തെ നിയമംകൊണ്ടു നടത്തിവരുന്നത്. കഴിഞ്ഞുകൊല്ലം കോട്ടയം താലൂക്കിൽ മാത്രം നൂററിൽ ചില്ലാനം പുനംകൃഷി

13th December 1954] [Sri C. H. Kanaran]

ക്കാരുടെ പേരിൽ കേസ്സെടുക്കുകയും അറസ്റ്റുകൾ നടത്തുകയും ചെയ്തിട്ടുണ്ട്. ആ കേസ്സുകൾ പിൻവലിക്കണമെന്നു നിവേദനങ്ങൾ എത്രയോ നടത്തി. എന്നിട്ടും ഗവമ്മേണ്ട് ആ കേസ്സുകൾ പിൻവലിച്ചിട്ടില്ല. സാധാരണ ജനവാസമുള്ള സ്ഥലങ്ങളുടെ അടുത്തുള്ള വനങ്ങളിൽ പുനംകൃഷി ചെയ്യുക പതിവാണ്. വലിയൊരു ജനവിഭാഗം അതുകൊണ്ട് ഉപജീവിക്കുന്നുണ്ട്. തെററായി പല സ്ഥലങ്ങളേയും വനമാണെന്നു പറഞ്ഞു മാററിയിടാതെ ഒരന്വേഷണം നടത്തി പുനംകൃഷി അനുവദിക്കാവുന്ന സ്ഥലങ്ങളേവ, അനുവദിക്കാൻ പാടില്ലാത്ത സ്ഥലങ്ങളേവ എന്നൊരു തീർപ്പു വരുത്തണം. നിയമങ്ങൾ എപ്പോഴും സാധുക്കളെ ഉപദ്രവിക്കാൻ വേണ്ടിയാണുപയോഗിക്കുക. മരം തട്ടിക്കൊണ്ടുപോകുന്ന പ്രബലന്മാർക്ക് അതിന്നുള്ള സൌകര്യം എപ്പോഴും ഉണ്ട്. അവരെ തടയാൻ ഒരു നിയമവുമില്ല. അതാണ് അനുഭവത്തിൽ കണ്ടുവരുന്നതു്. ഇന്നയിന്ന ഭാഗങ്ങൾ വനങ്ങളായി സംരക്ഷിക്കണം, ഇന്നയിന്ന ഭാഗങ്ങൾ കൃഷിക്കു കൊടുക്കാം എന്നു ഒരു തീരുമാനമുണ്ടായിക്കഴിഞ്ഞാൽ വനങ്ങളെ സംരക്ഷിക്കാൻ ബുദ്ധിമുട്ടില്ല. അതല്ലാതെ അനാവശ്യമായി പല സ്ഥലങ്ങളും വനങ്ങളാണെന്നു പറഞ്ഞുകൊണ്ടിരുന്നാൽ ഒരു വനവും സംരക്ഷിക്കപ്പെടുകയില്ല.

"ഇനി ഒന്നു പറയാനുണ്ട്. മരങ്ങൾ മുറിച്ചെടുത്തിട്ടു വ്യവസ്ഥയനുസരിച്ചു ആ സ്ഥലങ്ങളിൽ പുതിയ വൃക്ഷങ്ങൾ വെച്ചുപിടിപ്പിക്കുവാൻ കൂട്ടാക്കാത്തവരാണ് അധികമാളുകളും. ക്ലിയർ ഫെല്ലിങ്ങിന് ലൈസൻസു വാങ്ങി മരങ്ങളെല്ലാം വെട്ടിയെടുത്തതിന്നു ശേഷം പുതിയ വൃക്ഷങ്ങൾ വെച്ചുപിടിപ്പിക്കാൻ കൂട്ടാക്കാത്തവരുടെ നേരെ ഗവമ്മേണ്ട് കർശനമായ നടപടികൾ എടുക്കണം. അതുപോലെതന്നെ വലിയ വലിയ മരങ്ങൾ മാത്രമേ മുറിക്കാൻ പാടുള്ളുവെന്നും നിർബ്ബന്ധം വെയ്ക്കണം. അതാണ് തല്ക്കാലം ചെയ്യാനുള്ളതു്. അതുകൊണ്ടു ഈ ബില്ല് ഒരു കൊല്ലത്തേക്കു നീട്ടേണ്ട ആവശ്യമില്ല; കുറച്ചു കാലത്തേക്കു നീട്ടുക, അതിനിടക്കു വനസംരക്ഷണത്തെക്കുറിച്ചു അന്വേഷണം നടത്തി ശുപാർശിചെയ്യുന്നതിന്നു ഒരു കമ്മീഷനേയും നിയമിക്കുക, അതാണ് ഞാൻ പറയുന്നതു്.

"മരം മുറിക്കുന്നവരെ ഗവമ്മേണ്ട് പിടികൂടാറില്ല. നിർദ്ദോഷികളായ സാധുക്കളെയാണ് പിടികൂടുന്നതു്. ഇപ്പോൾതന്നെ കോട്ടയം താലൂക്കിൽ മണത്തണ അംശത്തിൽ പോലീസ് ക്യാമ്പുചെയ്യുകയാണ്. മരം മുറിച്ചുകൊണ്ടുപോകുന്നവരെ തടയാനല്ല, പുനംകൃഷിചെയ്യുന്നവരെ തടയാനും പിടികൂടാനുമായിട്ട്. ഇതിനകം മൂന്നുപേരെ അറസ്റ്റ്ചെയ്തിട്ടുണ്ട്. അറസ്റ്റ്ചെയ്ത ആളുകളെ വിട്ടയയ്ക്കണമെന്നും പോലീസിനെ ഉടനെ പിൻവലിക്കണമെന്നും ഞാൻ അഭ്യർത്ഥിക്കുന്നു. ഇങ്ങനെ നോക്കിയാൽ ഈ നിയമം ഇതുവരെ ഉപയോഗിച്ചിട്ടുള്ളതു മുഴുവൻ സാധുക്കൾക്കെതിരായിട്ടാണ്. യഥാർത്ഥത്തിൽ വനങ്ങൾ നശിപ്പിക്കുന്ന പ്രബലന്മാർക്കെതിരായിട്ടല്ല. മരങ്ങൾ വെട്ടി നശിപ്പിക്കുന്നതിനെ തടയാൻ നിയമമില്ല. മരങ്ങൾ മോഷ്ടിക്കപ്പെടുന്നതിനേയും തടയാൻ നിയമമില്ല. ഉദ്യോഗസ്ഥന്മാരെ മാത്രം ആശ്രയിച്ചാൽ വനസംരക്ഷണം സാദ്ധ്യമാകുമെന്നു ഞാൻ വിശ്വസിക്കുന്നില്ല. മലബാറിലെ കാടുകളുടെ നില മനസ്സിലാക്കിയിട്ടുള്ള ഉദ്യോഗസ്ഥന്മാരും അനുദ്യോഗസ്ഥന്മാരും അടങ്ങിയ ഒരു കമ്മിററി (അതിൽ എം.എൽ.എ. മാരും മന്ത്രിയുംകൂടെ ഉണ്ടായിരിക്കണമെന്നാണ് എന്റെ അഭിപ്രായം) വനങ്ങളെല്ലാം നേരിട്ടു പരിശോധിച്ചു മനസ്സിലാക്കിയതിന്നുശേഷം വേണം ഒരു നിയമമുണ്ടാക്കാൻ. എന്റെ താലൂക്കായ കോട്ടയം താലൂക്കിൽ മാത്രം എണ്ണായിരത്തിൽ ചില്ലാനം പുനംകൃഷിക്കാരുണ്ട്. നിയമത്തിന്റെ പേരും പറഞ്ഞു ജന്മിമാർ അവരെ ഉപദ്രവിച്ചുകൊണ്ടിരിക്കുകയാണ്. ഈ ദുസ്ഥിതിയിൽ നിന്നും സാധുക്കളായ കൃഷിക്കാരെ രക്ഷിക്കാനുള്ള നടപടി ഉടനെ എടുക്കണമെന്നു അപേക്ഷിച്ചുകൊണ്ടു ഞാൻ അവസാനിപ്പിച്ചുകൊള്ളുന്നു."

* SRI B. VAIKUNTA BALIGA :—"Mr. Deputy Speaker, Sir, this Bill seeks the extension of the Statute by one year. But behind that are involved policies which require careful consideration. Private forests belong to private parties. It is the inherent right of every owner of a forest or any other property to deal with it as he likes, to suit his requirements, to meet his needs or to ensure a profitable bargain. But the Government intervenes from 1949 and directs that he must adhere to certain rules because 12-26 p.m.

the interest of the State requires the curtailment of the full amplitude of his right. At the same time it must not be forgotten that this interference should be permitted and in fact it is absolutely essential. The question naturally arises as to what Government had done till now to make good the loss caused by the denudation of private forests, in exercise of their own rights. Is it that the Forest Department has no places, has no ideas, has no schemes to supplement the forest wealth in the wider interest of the State? Referring to the particularly extensive hill tracts in South Kanara I know that Government do own lands where huge forests exist but which have not been surveyed even till now. In addition there is fairly unlimited stretch of forests for further exploitation and I find little or nothing had been bone by Government to pursue this question which will yield fruitful results and which will at the same time help the Government not to ask for the extension now prayed for.

"So far as the forest policy of the Government is concerned, I am aware that the Congress of Forestry held recently has revealed the fact that Government are studying these problems with great care. But still the Bill that is now before us is an inroad into the rights of the parties. I would very much desire that Government should be more alert, should be more active, should pursue the broad policy already enunciated and try to see that this Statute does not continue beyond any period which is absolutely essential in the interest of the State. Thank you, Sir."

* SRI M. NARAYANA KURUP :—"Mr. Deputy Speaker, Sir, there can be no two opinions that the forest wealth of this country should be preserved because our country is deficient in forest wealth, a deficiency which is shared by this State as well. We all know that during the war period when timber could not be easily obtained and there was great demand for charcoal, timber used to be sold at a very high rate. There was indiscriminate cutting of trees then, in this as well as in other parts of the country. When the war was over, the Government realised the magnitude of the losses suffered. There are Government forests and private forests. Most important forests in this State are in the hands of private owners and in the West Coast. To prevent indiscriminate cutting of trees in the private forests, Government introduced a temporary legislation. Our grievance is not that the legislation should be scrapped but that Government should bring a permanent measure to preserve our forest wealth. It has been pointed out that forests are the properties of private owners and that Government should not interfere with their rights unnecessarily. I agree, Sir, that we should attach a certain amount of sanctity to ownership but the very idea of ownership is changing now-a-days and to-day it has become an accepted position that ownership is a social concept. Therefore, we are entitled to restrict the unlimited rights of the owners in the interests of society, the State and the nation. I do not find anything repugnant to that idea in the present enactment. It is not as though

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even the existing Act did not give sufficient powers to the Government to preserve the forests and prevent the indiscriminate destruction of the forests but it has been a sad commentary on this legislation that it was very inefficiently enforced. Had it been so, there would have been some improvement after the legislation was passed, but we are sorry to note that during the last eight years, as a result of the administration of this Madras Preservation of Private Forests Act, there has been no improvement in the conditions of the forests in our State. As has been promised by the Hon. Minister for Revenue, the Government would soon bring a permanent legislation, but I would request them to see that in the interval the law is properly and strictly enforced. As I have pointed out already, the Government are clothed with ample powers even under the present legislation. They can say that only trees of certain age and beyond certain girth shall be cut, but all these restrictive and benevolent provisions of the Act are absolutely thrown to the winds. If a big merchant is given licence to cut 1,000 trees, he actually cuts 10,000 trees. If he is allowed to cut only trees of a certain girth, he cuts and removes even the smallest saplings. There is nobody to question him. The real difficulty is that the officers or the watchmen on the spot are themselves helpless in this matter because the pressure comes from higher quarters. Therefore, while we do not condone the negligence on the part of the Government for not bringing in a permanent legislation, we will support this measure, of course, on the assurance of the Government that in the meanwhile all possible and feasible steps would be taken for the strict enforcement of the provisions of the existing Act."

* SRI K. KUNHI MOHAMED SHAFEE :—" Mr. Deputy Speaker, Sir, this is not the first time that an amendment to the Madras Preservation of Private Forests Act is being brought before this House to extend the life of the Act. The Act had been in force for the last six or seven years, but in its working many complications arise and sometimes difficulties and hardships are felt by those who are engaged in the felling and sale of timber in the Malabar district. My information is that the intention of the Government in enacting such a legislation in the year 1946 was to take over all the private forests in the State but nothing has been done so far in this direction. The only way to preserve these forests is to enact a law which will enable the Government to take over all the private forests as early as possible. I request the Government to bring forth a legislation for taking over all the private forests paying compensation in the district of Malabar on the lines of the Zamindari Abolition Act. Pending the introduction of such a legislation, I would request the Government to make necessary amendments in the rules just to compel the owners of these private forests to demarcate their forests into compartments and coupes as in the case of Government forests, before they send their applications for the issue of permits for cutting

the trees. They should also be compelled to take necessary steps for the regeneration of such trees cut by them and to preserve the forests as far as possible without completely denuding them. The officials concerned should also see that these rules are adhered to by the owners as well as the workers. I therefore request the Government to bring forth a legislation on the lines suggested by me. Thank you, Sir."

* SRI V. R. NAGARAJAN :—" Mr. Deputy Speaker, Sir, I welcome this Bill because it relates to a very important asset of our country. We have very few forests in our State and the necessity for preserving them need not be stressed, for it is only through forests that we get all the natural advantages which we require for maintaining the normal conditions of life. They are useful for our getting good rains. That is an acknowledged proposition. During war time between the years 1939 to 1945 the forests were denuded for several reasons. War time exigencies and domestic needs for enough of wood for fuel induced us to get into the forests and almost destroy them. Now that we are in an atmosphere of peace, it is essential to see that these forests, whether owned by Government or by private agencies, are preserved, consistent with safeguarding the rights of the owners of the forests and the Government *inter se* and the people also, if I may bring in them. Forests are owned by Government as well as private persons. We are not concerned with Government forests in this Bill. As regards the rights and privileges of the owners of private forests, we are now in a Republic and private owners should not be allowed to enjoy the same rights as they once enjoyed in feudal times. The rights of the people must more and more be increased and the rights of the owners must more and more be curtailed. In this respect there is need for effecting legislative changes to see how we can confer new rights on the people and how, at the same time, we can curtail the rights of the owners. For example, if we take into account the trade aspect of the forest produce we find that private owners are getting enormous income by the sale of timber. Is it necessary to allow them to continue to enjoy this special privilege because they happened to enjoy it by accident? Is it not necessary under present-day circumstances to see that such indiscriminate felling and outright sale of the trees does not take place for the selfish advancement of a few individuals and that the forests are put to better use? We may allow grazing rights freely for the common people who reside near the forests. Poor people may be allowed to carry head-loads of faggot so that they may use it for kitchen purposes. Common people may be allowed access to these forests so that they may gather manue for their lands for improving food production. These are some of the elementary rights of the common man for which we can make provision. I do not know whether the present Bill contains provision for any of these and I think it does not. I therefore, request the Government and the

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Hon. the Minister for Revenue to bring in a comprehensive legislation very soon providing for these rights, balancing the rights, privileges and the duties of the owners of these private forests and the public.''

*SRI K. MADHAVAN NAMBIAR :—"മിസ്റ്റർ ഡിപ്യൂട്ടി സ്പീക്കർ, സർ, വനങ്ങൾ ഈ സംസ്ഥാനത്തിലെ ഒരു പ്രധാന സമ്പത്താണ്. ഈ വനങ്ങളെ ആദായകരമായ നിലയിൽ സംരക്ഷിക്കുന്നതിന്നു ഉതകുന്ന ഒരു നിയമമുണ്ടാക്കാൻ ഗവമ്മേണ്ടിന്നു ഇതേവരെ സാധിച്ചിട്ടില്ലെന്നു കാണുന്നതിൽ വ്യസനിക്കുന്നു. ഉള്ള നിയമത്തെത്തന്നെ ഇന്നു അങ്ങേ അററം ദുരുപയോഗപ്പെടുത്തുകയാണ്. പണക്കാരായ ആളുകൾ മരംമുറിക്കാൻ ലൈസൻസ് വാങ്ങിക്കൊണ്ടു യാതൊരു നിയന്ത്രണവുമില്ലാതെ യാതൊരു വ്യവസ്ഥയേയും മാനിക്കാതെ വനങ്ങൾ കണ്ടുമാനം വെട്ടി നശിപ്പിക്കുന്നുണ്ട്. ലൈസൻസ് ഇല്ലാതെയും ധാരാളം മരങ്ങൾ മുറിക്കുന്നുണ്ട്. അതിനൊന്നും യാതൊരു കേസ്സുമില്ല. കേസ്സെടുത്താൽതന്നെ തെളിവില്ലാതെ പോവുകയുംചെയ്യും. അതേ സമയത്തു മരം മുറിച്ചു ഒഴിഞ്ഞ സ്ഥലത്തു വല്ല സാധുക്കളും കുക്കിയിറക്കുകയാണെങ്കിൽ അവരുടെ പേരിൽ കേസ്സെടുക്കുകയും ചെയ്യും. കോട്ടയം താലൂക്കിൽ മണത്തണ അംശത്തിൽ മുതലാളിമാർ ലൈസൻസില്ലാതെ ധാരാളം ഒരങ്ങൾ മുറിച്ചെടുത്തിട്ടുണ്ട്. അവിടെ കുക്കിയിറക്കിയവരുടെ പേരിൽ എടുത്തിട്ടുള്ള കേസ്സുകൾ പിൻവലിക്കണമെന്നു കഴിഞ്ഞ മൂന്നു കൊല്ലമായി നിവേദനങ്ങൾ നടത്തിക്കൊണ്ടിരിക്കയാണ്. ആ കേസ്സുകൾ പിൻവലിക്കുവാനുള്ള സന്മനസ്സു ഇതുവരെ ഗവമ്മേണ്ടിന്നു ഉണ്ടായിട്ടില്ല. അതേ സമയം ലൈസൻസില്ലാതെ കണ്ടുമാനം മരങ്ങൾ വെട്ടിയിറക്കികൊണ്ടുപോകുന്ന മുതലാളിമാരുടെ പേരിൽ യാതൊരു നടപടിയുമില്ല. അടുത്ത കാലത്തുതന്നെ കൃത്തുവറമ്പിൽ റവന്യൂ ഇൻസ്പെക്ടർ, ലൈസൻസില്ലാതെ കടത്തിക്കൊണ്ടുപോകുകയായിരുന്ന—ഒരു ലോറി മരം കൊട്ടിയൂർവെച്ചു തടഞ്ഞു കേസ്സാക്കുകയുണ്ടായി. കേസ്സ് എങ്ങിനെ അവസാനിച്ചുവെന്നു അറിഞ്ഞില്ല. ചാത്തു റജിസ്റ്ററുചെയ്ത സ്ഥലത്തുപോലും കുക്കിചെയ്യാൻ സമ്മതിക്കാതെ ഗവമ്മേണ്ടു് കുക്കികാരുടെ പേരിൽ കേസ്സെടുക്കുന്നതിന്നു ധാരാളം ഉദാഹരണങ്ങളുണ്ട്. വനസംരക്ഷണനിയമം വേണ്ടവിധം പരിഷ്കരിക്കുകയും പ്രയോഗത്തിൽ കൊണ്ടുവരികയും ചെയ്യില്ലെങ്കിൽ നമ്മുടെ വനങ്ങൾ മുഴുവൻ നശിച്ചുപോകും. നൂറേക്കറുള്ള വനങ്ങൾ മാത്രമേ ഈ നിയമത്തിന്റെ പരിധിയിൽ വരുന്നുള്ളു. തൊണ്ണൂറെറാമ്പതു ഏക്കർ വരെയുള്ള വനങ്ങൾ ചാത്തുന്നതിൽ ഇപ്പോൾ യാതൊരു തടസ്സവുമില്ല. അങ്ങിനെ നൂറേക്കറിന്നു താഴെയുള്ള വനങ്ങളെല്ലാം ചാത്തിച്ചാത്തി ഇന്നു മിക്കവാറും വനങ്ങളെല്ലാം നശിച്ചിരിക്കയാണ്. അതുകൊണ്ടു ഇന്നയിന്ന ഇടമെല്ലാം വനമാക്കി സംരക്ഷിക്കണമെന്നു നിശ്ചയപ്പെടുത്തണം. ഇതിനെ സംബന്ധിച്ചെല്ലാം ശരിയായി അന്വേഷിച്ചു പഠിക്കുന്നതിന്നു ഒരു കമ്മീഷനെ നിയമിച്ചതിന്നുശേഷമേ സമഗ്രമായ ഒരു നിയമം കൊണ്ടുവരാൻ പാടുള്ളു. ഗവമ്മേണ്ടു് എത്രയും വേഗത്തിൽ അതു ചെയ്യണമെന്നു അഭ്യർത്ഥിക്കുന്നു. അതിന്നു കാലതാമസം വരുത്തിയാൽ നമ്മുടെ വനങ്ങൾ മുഴുവൻ നശിച്ചുപോകുന്നതാണ്.'' 12-40 p.m.

*DR. K. B. MENON :—" Mr. Deputy Speaker, I had occasion to refer to the Madras Preservation of Private Forests Act when I was talking on the Governor's Address. There is an issue which is agitating the minds of the people of Malabar and that is in connexion with the order passed by the Collector of Malabar against indiscriminate cutting of trees. There was a very enlightening editorial covering three columns in the local leading Congress paper ' Mathrubhumi ' wherein considerable light was thrown on the hue and cry that was raised against the Collector's order and also on the condition of forests in Malabar to-day. In that editorial a statement was made that the Collector had refused permission to cut trees only to three or four big merchants. I do not know whether the Government have checked up the facts and whether the statement that has appeared in the editorial of the ' Mathrubhumi ' is correct or not. If the statement is correct and

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if permission has been refused to only three or four big merchants, I do not understand why there is this hue and cry. The hue and cry then becomes a bogus and artificial one. In the 'Mathrubhumi' of the 7th instant, there appeared a news item that as a result of the representations made to the Hon. the Chief Minister, he had assured the merchants and issued orders to the Collector that free cutting of trees should be allowed. I do not accept what appears in the paper and the Ministers have often told us that we should not give much credence to what appears in the papers. I would, therefore, like to have a clarification on that point from the Hon. Minister. I do not see how the Government could issue a blanket order permitting the private merchants to cut trees indiscriminately. I doubt whether such an order has been issued. If it has been issued, certainly, it must be an order overriding the orders of the Collector. The Collector, I know, was the Conservator of Forests for the Madras State. He is quite familiar with the condition of forests all over the Madras State. If he passed any order restricting the cutting of trees, I am quite sure that he did it because he realized the need for exercising discretion in the matter of permitting the cutting of trees, particularly in Malabar. Now, if the Collector's orders are overridden by the orders of the Chief Minister, there must, certainly, be something wrong with the Act—The Act must be imperfect and the Collector strictly interpreted the Act and issued the orders. In either case, I am quite sure that the Madras Preservation of Private Forests Act, as it stands, needs considerable amendment. The mere extension of the Act does not satisfy the immediate needs, if the Act is imperfect and if there is any way open to bring pressure upon the Ministers to allow the private merchants to cut the trees, then we will only be extending them that opportunity by merely extending the Act for another year. I, therefore, hope that the Act will be so amended immediately so as to prevent the indiscriminate cutting of trees from private forests.

"Referring to the Act itself, I have one or two suggestions to make. Certainly, no one will claim that no tree should be cut from the forest. But the complaint that I have against the Government is the lack of a policy. The Government have no policy with regard to forest administration. That is why the new legislation which the Government promised so long ago has not been brought in so far. The Government have also been very tardy in spending the allocation claimed by themselves. In the Finance Minister's Budget statement last year it was stated that in 1951–52 there was an allotment of Rs. 74 lakhs. In the subsequent year, 1953–54. only a sum of Rs. 11 lakhs was spent. It meant that less than 18 per cent of the allotment was claimed. For this year, the amount claimed is only Rs. 4 lakhs. This means that much less than 18 per cent of the amount claimed by the Government has been spent on forests. This underspending, I am afraid, is only an indication of the lack of interest the Government are taking in rehabilitating the forests in our country. What

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I would urge upon the Government is that they should lay down a clear policy with regard to the administration of forests and stick to it. Just as there are animal sanctuaries, there should be tree sanctuaries in the forests in our State. A certain portion of the forests must be preserved as a sanctuary. I think we do not have even 15 to 20 per cent of the forest area recommended by the policy commission. There are certain forests that are necessary for flood control, soil conservation and for other preventive, preservative and productive purposes. I want the Government to set apart such forests as sanctuaries. In other areas, they can allow people to cut trees. That is not very difficult and that will be a policy which can be easily worked. Take for instance countries like Norway, Sweden and Canada which send out millions of tons of news-print every year. A number of trees are cut there every year but the number of trees cut do not exceed the number of trees planted. If our Government also have some such plan, I am sure our forests will not go to rack and ruin. If our forests are allowed to be denuded or destroyed in this manner, I am afraid the fate of the Rayalaseema will be awaiting the Madras State. I warn the Government of this danger. Let them take care to see that the Act is tightened and private-owners are not allowed to cut trees as they like. The Government must also take steps to acquire the private forests as soon as possible and to see that the natural resources of the State are not left in the hands of a few private dealers who care only for their personal gains." 12-50 p.m.

* THE HON. SRI M. A. MANICKAVELU NAICKER :— "Mr. Speaker, I carefully listened to the suggestions and criticisms of the hon. Members. The object of both the Government and also hon. Members is to preserve the forest wealth of the State. It is with that view only that a comprehensive Bill was sought to be introduced as early as 1951. A Bill was actually introduced in the then Legislative Assembly and it was also referred to a Select Committee. The Select Committee also sat for one or two days. But the Bill had to be given up as the then Government thought that in view of the impending General Elections and the formation of a new Legislature, it would be better to leave further consideration of the matter to the new Legislature. As I said earlier, certain difficulties arose in the meantime. Certain provisions of the Amending Bill came into clash with the provisions of the Constitution. This aspect had to be looked into. Also, the Chief Conservator of Forests suggested certain changes and improvements in order to make the Bill more useful. All these aspects were taken into consideration and the drafting is also going on and we are giving final touches to the drafting. I hope that with the least possible delay the Bill will be brought before the Legislature. But as things stand at present, it will not be possible to have it etnacted in a month or two. Even though we may meet in the first week of February next, our hands are full with very urgent and important pieces of legislation. So it will take a few months more. That is why, to be

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on the safe side, we have requested this extension of one year. I can assure hon. Members that as soon as everything is ready, the Bill will be brought before the Legislature.

"With regard to the working of the present Act, I wish to tell hon. Members that the Government are doing all that is possible to enforce the provisions of the Act. Even with regard to the cutting of trees and other matters referred to by the hon. Gentleman Dr. K. B. Menon, I may state that there is no question of yielding to pressure of either the merchants or the Members of the Legislative Assembly. What is sought to be done is to enforce the rules properly. This we have been doing all along. With regard to the girth of certain species of trees, there is a rule that a tree below certain specifications should not be cut. This specification varies with the different species of trees. In respect of certain trees, the girth fixed is 5 feet, and in respect of some other trees, a different specification is fixed. The rule framed in this regard is being enforced. But the Collector seems to have issued an order recently that the girth regulation should be enlarged. To preserve the forests, the rule has provided a minimum girth. If any trees below the minimum girth fixed are cut, surely it has to be prevented and the person or persons responsible should be penalized. The Government are quite clear about it and they have been enforcing this rule. But if all on a sudden a wider width is prescribed, it will create some hardship. All along a certain minimum girth was fixed and the people were following that rule. On the basis of this minimum girth, they might have committed themselves to certain labour contracts, trade contracts and so on. Without notice, if we are to inflict suddenly a new rule on them, which is beyond the usual customary practice followed till now, it will seriously affect them and the trade. The Government thought that the rules which have been followed all along may be observed, and this is the order that has been issued. It is not a new order. There is no question of partiality or lessening the rigour of the rule. Nothing of the sort has been done. A new officer thought that something could be done, by enlarging the discretionary power in him, to fix a larger girth. Under the present circumstances, it was thought that it was too much of a restriction and so the Government issued necessary instructions in the matter.

"The Government are strictly enforcing the rules as at present embodied in the Act. When the new Bill comes into force, all these considerations will be taken into account and I hope there will be no room for any complaint. Meanwhile, let us carry on with the present Act of course strictly enforcing the rules embodied therein. I therefore request the House to take the Bill into consideration and proceed with the clause by clause consideration also."

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MR. SPEAKER :—" The question is—

' That the Madras Preservation of Private Forests (Third Amendment) Bill, 1954, be taken into consideration at once.' "

The motion was put and carried.

MR. SPEAKER :—" Let us proceed with the clause by clause consideration of the Bill. We may take clause 1 and the Preamble at the end."

Clause 2.

MR. SPEAKER :—" The question is—

' That clause 2 do stand part of the Bill.' " 1 p.m.

SRI T. C. NARAYANAN NAMBIAR :—" Mr. Speaker, Sir, I move—

' For *the figures, letters and word* " *2nd December* **1955** ", substitute *the figures, letters and word* " *2nd June* **1955** ".' "

SRI C. H. KANARAN :—" I second the amendment, Sir."

* SRI T. C. NARAYANAN NAMBIAR :—" Sir, the purpose of my amendment is to draw the attention of the Government to the fact that it is high time that a comprehensive Bill is brought and passed into law for the preservation of forests without injuring the timber industry which can be done within the purview of the rules intended for maintaining the forest wealth of our country. In this connection I would like to say that the Government have neither a definite policy with regard to the forests nor do they have a clear perspective. What is their perspective, Sir? Do the Government want that all lands in Malabar should be called forests? I think it is their only policy. Forests as such have not been demarcated or surveyed. Why not they appoint survey officers and see that these forests are surveyed as in the case of the reserved forests belonging to Government? ' The private forests also should be surveyed and demarcated and preserved. Otherwise there would be too much harassment and trouble caused to the poor agriculturists. For example under the definition of private forests owned by persons or individuals or families all lands extending over an area of hundred acres are treated as forests. In between, there might be cultivable waste lands, lakes, tanks, gardens and all these things. These are also treated as forests for the purpose of definition under the Act. It may happen that a certain small piece of land belonging to an individual may have to be mortgaged, or sold for the purpose of raising some money. According to the present Act such an action is liable to be penalised. The person has to get the permission from the Collector to sell it or mortgage it. I can understand the provision, that a person should get the permission of the Collector, if it is the forest. But there are cases where there are no trees and no forests and mere land is sold to a third party. Even in such cases the persons are penalised. I do not know why such hardship should not be removed. Anyhow I want the

Government to bring in a comprehensive legislation immediately. That is the reason why I have cut short the period of extension asked for by the Government and suggested extension only up to 2nd June 1955."

* SRI C. H. KANARAN :—" Mr. Speaker, Sir, I support the amendment moved by the hon. Member Sri Narayanan Nambiar. From the Minister's speech I understand that there is no definite policy followed by this Government for the preservation of private forests. Though the Minister has repeatedly stated that preservation of private forests is necessary in the interests of the country, how they propose to preserve them has not been clearly mentioned by him. What is happening now, as I stated before, is that forests are being cut down in almost all places. If we are to preserve the forest, those areas should be clearly demarcated. Unless this is done there is no use of saying that forests should be preserved. Now the 'poonam cultivators' are not allowed to cultivate That is the only effect of the policy now followed by the Government. Hundreds of people are being arrested, and even now cases are pending before Courts. But big merchants go and cut trees as they like. That is what is taking place now. My suggestion is that the Government should appoint a Committee consisting of officials and non-officials, including members of this Assembly and that Committee should enquire into the matter and see what should be done. With the help of the Forest Department alone, the Government cannot preserve the forests. With the request that a Committee should be appointed to go into the question of preservation of private forests, I support the amendment of the hon. Member of Sri Narayanan Nambiar."

* THE HON. SRI M. A. MANICKAVELU NAICKER :—" I think, Sir, that the amendment refers to the date. The suggestion is that the date should be changed to 2nd June 1955."

MR. SPEAKER :—" The hon. Member probably wanted to bring the notice of the Government certain facts. He may not be pressing his amendment. I think he has made it clear. He is not opposing the Bill. Probably the hon. Member is withdrawing his amendment."

* THE HON. SRI M. A. MANICKAVELU NAICKER :—" As I said, Sir, I will look into all aspects of the suggestions and criticisms made by the hon. Members . . ."

* SRI T. C. NARAYANAN NAMBIAR :—" Sir, the fact is this. It is not simply to invite the attention of the Hon. Minister to certain things that I moved my amendment. I expect to get an assurance from the Hon. Minister as to when the comprehensive Bill will be brought forward. This is the sixth time that the Government are coming before the House for an enactment of this sort. Every time the Government stated that the legislation is being extended only for a year and that a comprehensive legislation will be

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brought forward. But nothing has been done to bring in a comprehensive legislation. I want to know whether this time also, after the present term expires, that is after the termination of one year, the Government are going to come before the House with another amendment for the extension of time by another year. I hope Government will not come before the House again with such a proposal and I expect the Hon. Minister to give an assurance to that effect. If he can give such assurance I can withdraw my amendment."

* THE HON. SRI M. A. MANICKAVELU NAICKER :—" Sir, the hon. Member anticipates too much. If he will just look into the implication of his amendment he will see that it defeats the very object he has in mind. Other hon. Members also stated that they are interested in preserving forests of which they say they are really proud. Now, if I accept the amendment it will mean this. As I have already explained, looking at the programme of the Legislature, it will not be possible to take up a new Bill and introduce it before June next. Supposing, if it is not done, what happens? This act will also go. If his amendment is accepted we will be left in the lurch. The forests will be denuded of trees. If the hon. Member wants to achieve his object, it will be good if he gives me time to bring in the comprehensive legislation. It will not be possible to have it done before June next. It may be possible to have it before December."

* SRI T. C. NARAYANAN NAMBIAR :—" In my amendment I have said ' June 1955 '. I want the Hon. Minister to give an assurance to the House that after the completion of this one year, that is, December as suggested by him, a comprehensive legislation would be brought before this House."

* THE HON. SRI M. A. MANICKAVELU NAICKER :—" Sir, it is, as I said not feasible or probable to have it done before June 1955. I submit it is quite possible, feasible and very probable to have it done before the period mentioned in the Bill."

* SRI T. C. NARAYANAN NAMBIAR :—" Sir, I do not press my amendment."

The amendment was, by leave, withdrawn.

Clause 2 was then put and carried."

Clause 3.

MR. SPEAKER :—" The hon. Member Sri Narayanan Nambiar has given notice of an amendment to this clause. I think it is out of order as the hon. Member wants to reopen a clause in the original Act. Let me hear the hon. Member before I give my ruling."

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* SRI T. C. NARAYANAN NAMBIAR :—" I gave the amendment in the expectation that the Hon. Speaker would allow it to be moved. My grounds in saying that the amendment is in order, are these. The amendment brought in by the Government seeks the permission of the House to extend the term of the whole Act, the preservation of Private Forests Act, 1949, for a period of one year. Extension does not mean, extension of provisions in clause 1 or 2 alone of the Act."

MR. SPEAKER :—" Does it mean that the hon. Member is in order in re-opening the clause in the original Bill? "

* SRI T. C. NARAYANAN NAMBIAR :—" My submission is that as the life of the Act is to be extended for one year, automatically every comma, fullstop and semi-colon and all others are extended by one year. Therefore I have got every right to alter, add or modify any of the sub-clauses or clauses as a whole. I therefore request the Hon. Speaker to allow me to move my amendment."

MR. SPEAKER :—" It is out of order.

" Then we have got the amendments of the hon. Member Sri Krishnasamy Ayyangar. Is he moving his amendments? "

SRI P. S. KRISHNASAMY AYYANGAR :—" The Government seem to accept the suggestions made by me in my amendments."

MR. SPEAKER :—" If the Hon. Minister wants time to consider the matter, I will allow him some time."

* THE HON. SRI M. A. MANICKAVELU NAICKER :—" I caught the spirit of the amendments proposed to be moved by the hon. Member, Sir. We are once again thankful to the hon. Member and want to compliment him for taking so much pains in bringing these very useful amendments."

MR. SPEAKER :—" The hon. Member has given notice of two amendments. To which one does the Hon. Minister refer to? "

* THE HON. SRI M. A. MANICKAVELU NAICKER :—" I have put them in one and I have also given notice of an amendment, Sir. This will be the amendment which will incorporate the two amendments of the hon. Member.

1-10 p.m. " Sir, I move the following amendment :—

' For *the existing sub-clause* (2), substitute *the following* :—

" (2) *Notwithstanding such repeal, anything done or any action taken in the exercise of any power conferred by or under the Madras Preservation of Private Forests Act,* 1949 *(Madras Act XXVII of* 1949) *as amended by the said Ordinance shall be deemed to have been done or taken in exercise of the powers conferred by or under the said Act as if this Act were in force on the day on which such thing was done or action taken.*" ' "

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MR. SPEAKER :—" In view of the Government amendment, is the hon. Member moving his amendment? "

* SRI P. S. KRISHNASAMY AYYANGAR :— ' Sir, I want a doubt to be cleared. The last portion of the Government amendment says—

' Under the said Act as if this Act were in force on the day on which such thing was done or action taken.'

Does this Act mentioned here refer to the Act now under consideration or does it refer to the Madras Preservation of Private Forests Act, 1949 as amended by the Act now under consideration? It is not proper if it refers to the Act now under consideration. It should be the Madras Preservation of Private Forests Act, 1949 as amended by the Act now under consideration."

MR. SPEAKER :—" Does the hon. Member mean the original Act? "

* SRI P. S. KRISHNASAMY AYYANGAR :—" Yes, Sir, I mean the original Act."

* THE HON. SRI M. A. MANICKAVELU NAICKER :—" The word ' Act ' mentioned here refers to the pertinent Act and there is no doubt about it. The hon. Member need not be worried about it."

MR. SPEAKER :—" Is the hon. Member moving his amendment? "

SRI P. S. KRISHNASAMY AYYANGAR :—" Sir, I am not moving it."

MR. SPEAKER :—" The question is—

' *For* the existing sub-clause (2), *substitute* the following :—

" (2) Notwithstanding such repeal, anything done or any action taken in the exercise of any power conferred by or under the Madras Preservation of Private Forests Act, 1949 (Madras Act XXVII of 1949), as amended by the said Ordinance shall be deemed to have been done or taken in exercise of the powers conferred by or under the said Act as if this Act were in force on the day on which such thing was done or action taken." ' "

The amendment was put and carried.

Clause 3 as amended was put and carried.

The Preamble and clause 1 were put and carried.

* THE HON. SRI M. A. MANICKAVELU NAICKER :—" Sir, I move—

' *That the Madras Preservation of Private Forests (Third Amendment) Bill*, 1954, *be passed into law*.' "

MR. SPEAKER :—" Motion moved—

' That the Madras Preservation of Private Forests (Third Amendment) Bill, 1954, be passed into law.' "

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* SRI T. C. NARAYANAN NAMBIAR :—" Sir, what I wanted to raise in my amendment which was unfortunately ruled out of order by the Chair was this issue. The Collector of Malabar has been authorized under the original Act to give permits for felling trees. Permits are given for felling trees and after the forests are cleared, only the barren land remains. What is the purpose in giving this permit and at the same time imposing restrictions on the felling of trees? The purpose of the Act is to preserve forests. But the Collector is empowered under the same Act to give permits for felling forest trees. Now when trees are removed from forests and only vacant land remains, is it not the right of the landholder to give it on lease or sell it to a third party? I think his right should not be restricted. I hope the Government will look into the matter."

* THE HON. SRI M. A. MANICKAVELU NAICKER :—" The suggestion will be borne in mind and will be looked into at the appropriate time."

MR. SPEAKER :—" The question is—

' That the Madras Preservation of Private Forests (Third Amendment) Bill, 1954, be passed into law."

The motion was put and carried and the Bill was passed into law.

(2) THE MADRAS GENERAL SALES TAX (THIRD AMENDMENT) BILL, 1954.

* THE HON. SRI M. A. MANICKAVELU NAICKER :—" Sir, I beg to introduce the Madras General Sales Tax (Third Amendment) Bill, [a] 1954, and move—

' *That the Bill be taken into consideration at once.*'

" Sir, the House is aware that under the Madras General Sales Tax (Amendment) Act, 1954, the sales tax on certain kinds of cloth has been increased. According to that Act, cloth which is completely made out of cotton is exempted from this additional sales tax. But if it is made out of an admixture of silk or artificial silk or wool, it is not exempted. So, the exemption is only with respect to the cloth made entirely out of cotton. There has been some difficulty about the interpretation and in order to make it clear, I have brought forward this Bill. That is the object of this Bill."

MR. SPEAKER :—" Motion moved—

' The Madras General Sales Tax (Third Amendment) Bill, 1954, be taken into consideration at once.' "

1-17 p.m. * SRI K. T. RAJU :—" கனம் சபாநாயகர் அவர்களே, இப்பொழுது கனம் அமைச்சர் அவர்கள் கொண்டுவந்திருக்கும் விற்பனை வரித் திருத்த மசோதாவை நான் எதிர்க்கிறேன்.

[a] Published in the *Fort St. George Gazette* extraordinary, dated 29th November 1954.